IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Writ Petition No. 1894 of 2005

Sheetal Enterprises .. Petitioner
V/s.
Union of India .. Respondent

Ms. S.P. Trivedi i/b. M/s. A. Bharat & Co. for the Petitioner
Mr. S.S. Pakale with Mr. Y.R. Mishra for the Respondent

CORAM : DR. S. RADHAKRISHNAN &
J.H. BHATIA, JJ.
DATED : 09.08.2005.

P.C.:-

1. Heard the learned counsel for the the Petitioner and the Respondent. The Petitioner is challenging the order dated 30.1.2004 passed by the Commissioner of Central Excise (Appeals). The above Appeal was preferred before the Commissioner of Central Excise (Appeals) with regard to two orders in original dated 18.12.2002 and 28.3.2003. This Appeal was preferred before the Commissioner of Central Excise under Section 35A of the Central Excise Act, 1944.

2. The Petitioner has an efficacious alternate remedy by way of an Appeal before the Appellate Tribunal under Section 35 B(b) of the Central Excise Act, 1944. In view of the efficacious alternate remedy available, the learned counsel for the Petitioner seeks leave to withdraw the Petition with a liberty to file appropriate proceedings in that behalf, accordingly, Petition is allowed to be withdrawn and stands dismissed as such, with the aforesaid liberty.

(DR. S. RADHAKRISHNAN, J.)

(J.H. BHATIA, J.)